

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

05 10522 WGY

MICHAEL G. CAMPBELL,
Plaintiff

V.

HALLSMITH-SYSCO FOOD SERVICES,
INC.,
Defendant

MAGISTRATE JUDGE *hbl*

CIVIL ACTION NO. _____

RECEIPT # *5062886*

AMOUNT \$ *50*

SUMMONS ISSUED *NA*

LOCAL RULE 4.1 *+*

WAIVER FORM *+*

MCF ISSUED *+*

BY DPTY. CLK. *1001*

DATE *2/16/05*

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1332, 1441 and 1446, the defendant, Hallsmith-Sysco Food Services ("Hallsmith-Sysco"), removes this action to the United States District Court for the District of Massachusetts. The grounds for removal are as follows:

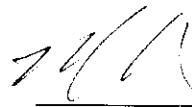
1. On or about November 22, 2004, the plaintiff, Michael Campbell, filed this employment discrimination action in the Bristol Superior Court, Civil Action No. 04-01300.
2. On or about February 20, 2005, Mr. Campbell served upon counsel for Hallsmith-Sysco a Summons and Complaint. (A true copy of the Summons and Complaint served are attached as Exhibit A).
3. Accordingly, this notice of removal is being filed within the time period required by law, 28 U.S.C. §1446(b).
4. The plaintiff, Mr. Campbell, is a resident of Rhode Island. (Complaint ¶2). The named defendant, Hallsmith-Sysco, is a limited liability company organized under the laws of Massachusetts with a principal place of business in the Commonwealth at 380 South Worcester Street, Norton, Massachusetts.

5. In his Complaint, the plaintiff seeks recovery for alleged sexual harassment and hostile work environment. He has demanded judgment for (quote his types of damages from Complaint and Cover Sheet). He has filed a Civil Action Cover Sheet with the Bristol Superior Court in which he asserts that his damages are "in excess of \$25,000" and if successful may recover attorneys' fees. See Exhibit A. While Hallsmith-Sysco denies any liability for the claims asserted by the plaintiff, the amount of the matter in controversy may exceed \$75,000.00.

6. Because the amount in controversy in this case may exceed the sum or value of \$75,000.00 and is between citizens of different states, as set forth in 28 U.S.C. §1332, this case is subject to removal under 28 U.S.C. §1441(a).

HALLSMITH-SYSCO FOOD SERVICES,
INC.

By its attorneys,



Richard C. Van Nostrand, Esq.
BBO #507900
Michael D. Badger, Esq.
BBO #633915
Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608-1477
Phone: (508) 791-8500
Fax: (508) 791-8502

Dated: March 14, 2005

CERTIFICATE OF SERVICE

I, Michael D. Badger, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to Joseph B. Lichtblau, Esq., Law Office of Joseph B. Lichtblau, 92 State Street, Boston, MA 02109.



Michael D. Badger, Esq.

Dated: March 14, 2005

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPT. OF THE TRIAL COURT

CIVIL ACTION

[SEAL]

No. BR CV 2004 - 1300

Michael G. Campbell, Plaintiff (s)

v.

Hallsmith - Syco Food Services, Inc., Defendant(s)

(TO PLAINTIFF'S ATTORNEY :

PLEASE INDICATE TYPE OF ACTION INVOLVED :—

TORT — MOTOR VEHICLE TORT — CONTRACT —

EQUITABLE RELIEF — OTHER.)

SUMMONS

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon Joseph B. Lichtblauplaintiff's attorney, whose address is 92 State St., Boston, MA 02109

an answer to the complaint which is herewith served upon you, within (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this Court at Bristol Superior either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Hon. Barbara J. Rouse, Adm. Justice of the Superior Court Dept. of the Trial Court, at Taunton, the 17th day of February, in the year of our Lord two thousand and 2005

Mary Savelle, Esq.
Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. If the Commonwealth or an officer of agency thereof is a defendant, the time to be inserted is 60 days.

NOTICE TO DEFENDANT — You need not appear personally in Court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

Commonwealth of Massachusetts

County of Bristol
The Superior Court

CIVIL DOCKET# BRCV2004-01300-C

RE: Campbell v Hallsmith-Sysco Food Services, Inc.

TO: Joseph B Lichtblau, Esquire
92 State Street
Boston, MA 02109

TRACKING ORDER - F TRACK

You are hereby notified that this case is on the **fast (F) track** as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION

DEADLINE

Service of process made and return filed with the Court	02/20/2005
Response to the complaint filed (also see MRCP 12)	04/21/2005
All motions under MRCP 12, 19, and 20 filed	04/21/2005
All motions under MRCP 15 filed	04/21/2005
All discovery requests and depositions completed	09/18/2005
All motions under MRCP 56 served and heard	10/18/2005
Final pre-trial conference held and firm trial date set	11/17/2005
Case disposed	01/16/2006

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to session **C** sitting in **CtRm - Main (Taunton)** at **Bristol Superior Court**.

Dated: 11/22/2004

Marc J. Santos
Clerk of the Courts

BY: Valerie A. Brodeur / Joseph T. Vincent, Jr.
Assistant Clerk

Location: CtRm - Main (Taunton)
Telephone: (508) 823-6588

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-8130

Check website as to status of case: <http://ma-trialcourts.org/tcic>

CIVIL ACTION COVER SHEET		DOCK # 0(S) Trial Court of Massachusetts Superior Court Department County: <u>BRISTOL</u>	
PLAINTIFF(S) <u>Michael G. Campbell</u>		DEFENDANT(S) <u>Hallsmith Sysco Food Services, Inc.</u>	
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE <u>Joseph B. Lichtblau, 92 State Street, Boston, MA 02109 (617) 722-9955</u> Board of Bar Overseers number: <u>BBO # 555 020</u>		ATTORNEY (if known) <u>Richard C. Van Nestland</u> <u>(508) 791 - 8500</u> <u>Mirick O'Connell</u> <u>100 Front Street</u> <u>Dorchester, MA 01908-1477</u>	
Origin code and track designation			
Place an x in one box only:			
<input checked="" type="checkbox"/> 1. F01 Original Complaint		<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)	
<input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial) (F)		<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)	
<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)		<input type="checkbox"/> 6. E10 Summary Process Appeal (X)	
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)			
CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
<u>B22</u>	<u>Employment Discrim</u>	<u>(F)</u>	<u>(X)</u> Yes <u>()</u> No
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.			
TORT CLAIMS (Attach additional sheets as necessary)			
A. Documented medical expenses to date:			
1. Total hospital expenses			\$ <u>To be documented</u>
2. Total Doctor expenses			\$
3. Total chiropractic expenses			\$
4. Total physical therapy expenses			\$
5. Total other expenses (describe)			\$
Subtotal \$			\$ <u>To be documented</u>
B. Documented lost wages and compensation to date			\$
C. Documented property damages to date			\$
D. Reasonably anticipated future medical and hospital expenses			\$
E. Reasonably anticipated lost wages			\$
F. Other documented items of damages (describe)			\$
G. Brief description of plaintiff's injury, including nature and extent of injury (describe) <u>Lost wages, medical expenses and severe emotional distress</u> <u>as set forth in the Complaint, causing damage in excess</u> <u>of \$25,000.</u>			\$
TOTAL \$			\$
CONTRACT CLAIMS (Attach additional sheets as necessary)			
Provide a detailed description of claim(s):			
TOTAL \$			\$
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT <u>N/A</u>			
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."			
Signature of Attorney of Record <u>Joseph B. Lichtblau</u>			DATE: <u>11/14/04</u>

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss

BRISTOL SUPERIOR COURT
C.A. No. _____

MICHAEL G. CAMPBELL,

Plaintiff,

v.

HALLSMITH-SYSCO FOOD
SERVICES, INC.

Defendant.

COMPLAINT AND JURY DEMAND

1. The Defendant, Hallsmith-Sysco Food Services, Inc. ("Hallsmith-Sysco") is a Delaware corporation, with a principal place of business in Massachusetts on 380 Worcester Street, Norton, Massachusetts (Bristol County).

2. The plaintiff is a resident of Warwick, Rhode Island.

3. Plaintiff was hired by Defendant on September 11, 2000, as a third shift dry warehouse worker at Sysco's warehouse, on 380 Worcester Street, Norton, Massachusetts. As a third shift worker, Plaintiff worked overnight, from 7:00 P.M. to 5:00 A.M.

4. Plaintiff is a gay man. Co-workers at Hallsmith-Sysco either knew that Plaintiff was gay or decided Plaintiff was gay based on his appearance, manner and other factors.

5. Plaintiff began working for Hallsmith-Sysco on first shift (a day shift), for training purposes, then was assigned to

the third shift after about two-and-a half months. Another worker, Al Jacobs ("Jacobs"), trained with Plaintiff on the day shift then was also assigned to work on the third shift. Jacobs' third shift assignment was in the freezer department and Plaintiff's was in the dry goods department, placing Jacobs and Plaintiff in frequent contact at work.

6. From approximately the second week Plaintiff began working at Hallsmith-Sysco, while he and Jacobs were still in training on the first shift, Jacobs made derogatory comments, which were directed at Plaintiff or intentionally made in Plaintiff's presence, about Plaintiff being gay or about gays in general. Jacobs made these comments almost constantly, on nearly a daily basis, through June 13, 2002, the day Plaintiff left Hallsmith-Sysco.

7. For example, Jacobs would say "Hey faggot, you're going to die," or "You fucking fag, I'm going to kill you," and similar statements to that effect.

8. On one occasion, Jacobs asked if Plaintiff "liked being fucked" by his "many boyfriends." On another occasion, in or around January 2001, Jacobs asked Plaintiff if Plaintiff had "made rate" yet, and when Plaintiff replied no, Jacobs said it was because "a queer" could not do this type of work.

9. Jacobs frequently made these and similar derogatory comments when one or more persons, often friends of Jacobs', were

present. As a result, Plaintiff was subject to ridicule and humiliation and derision.

10. On more than one occasion, Jacobs made derogatory comments about Plaintiff being gay or about gays in general in the presence of or within earshot of Ken Marnard, a supervisor.

11. Jacobs often made these derogatory comments to Plaintiff while standing in intimidating positions, such as standing a few inches from Plaintiff with his index finger near Plaintiff's nose.

12. There were also several occasions on which Jacobs made similar derogatory comments in Sysco's cafeteria, in a loud voice, so that any person, including management and executive personnel, could hear them. For example, on one occasion, while Jacobs and Plaintiff were still on the day shift and Plaintiff was eating lunch in the company cafeteria, Jacobs said in a loud voice "Mike, you have AIDS, right, all faggots have AIDS." On another occasion, Jacobs said (or yelled) in the cafeteria to another worker named Kevin Padgro, "Watch out Kevin, Campbell is going to try to grab your ass and dick."

13. Around March 2001, other third shift workers began making derogatory comments to Plaintiff or in Plaintiff's presence about being gay or about gays in general, on a regular basis.

14. Plaintiff's co-workers sometimes made these derogatory

comments about Plaintiff being gay or about gays in general in front of supervisors, including Ken Marnard and Art Coriea. On information and belief, Jim Stone, another supervisor, heard or was aware that workers made anti-gay comments on the third shift.

15. For example, co-worker John Augustine told Plaintiff he would beat up Plaintiff if Plaintiff ever looked at him in a sexual way. On another occasion, in March 2002, John Augustine called Plaintiff "faggot" and "queer," then afterwards, while Augustine and Plaintiff were working in the same aisle, Augustine asked if Plaintiff needed a tampon "because Plaintiff was angry." From about January 2001 to June 13, 2002, John Augustine referred to Plaintiff constantly and on numerous occasions as "you fucking queer."

16. Co-worker Trevor Ashley made many comments about gays in Plaintiff's presence, including "all gays should be dead." On another occasion, Trevor Ashley threatened to punch Plaintiff in the face, followed by "you fucking fag," or words to that effect.

17. Co-worker Kevin Padgro, a friend of Jacobs, made numerous jokes about gays. On June 13, 2002, as Kevin Padgro, co-worker Kirby St. Amour and Plaintiff were leaving the building, Kevin Padgro asked Plaintiff in the presence of numerous other co-workers gathered near the exit, including three supervisors -- Ken Marnard, Jim Stone and Art Coriea -- if Plaintiff liked "chin music," explaining this referred to "when a

guy's balls slap your chin when you're giving head." Kevin Padgro then said to Plaintiff, "Hey Mike, do you like how it feels when you put Portuguese sausage up your ass?" The supervisors present clearly heard these comments, but did nothing, and in fact left the building. Other workers began following up on Kevin Padgro's comments and laughing at Plaintiff.

18. In or about June 2002, Art Coriea and about 5-7 workers Art Coriea supervises wore bandanas and yelled throughout the warehouse "We're the P-Town posse," while other workers imitated effeminate gay men and made jokes about gays.

19. A co-worker known as "Johnny Bravo" called Plaintiff a stupid fag on at least one occasion.

20. In July 2001, Ken Marnard (Supervisor) told Plaintiff that Plaintiff was not allowed to talk because Plaintiff was on light duty, even though there was no such rule. Subsequently, while Plaintiff was working at the supervisor's station as a desk clerk, Ken Marnard stood close to Plaintiff and passed gas. When Plaintiff tried to leave the desk because of the smell, Ken Marnard physically blocked Plaintiff's exit, then said to others who were watching, "Oh Cinderella can't handle the smell." Other workers laughed, while Jim Stone (a supervisor) sprayed a can of air freshener.

21. Co-worker Al Hebert on various occasions called

Plaintiff "stupid fag" or names to that effect. Once, Al Hebert asked if Plaintiff was a "nigger lover" because Plaintiff listens to Jazz music.

22. In or about February 2001, a co-worker known as "Reggie" from the dry department asked if Plaintiff had to be "so close" to him, while Plaintiff was working with "Reggie." When Plaintiff apologized for being in the way, "Reggie" replied that he "didn't like fags around." After this occurred, "Reggie" frequently blocked Plaintiff from getting into aisles or prevented Plaintiff from passing him, which affected Plaintiff's "pick" (number of items picked off shelves) and consequently Plaintiff's bonus and incentive pay.

23. Other co-workers referred to Plaintiff in his presence as "fag" or made derogatory comments about gays, such as for example, "faggots should be dead," or followed up on Al Jacobs' derogatory comments about gays or Plaintiff being gay when Jacobs made such comments.

24. Plaintiff made Hallsmith-Sysco aware of the hostile environment Plaintiff encountered on several occasions, as well as the types of comments directed at Plaintiff or made in Plaintiff's presence.

25. On or about July 5, 2001, Plaintiff informed Julia Gannon, Vice President of Human Resources, that the abusive comments about Plaintiff's sexual orientation and derogatory

comments about gays in general had been ongoing since September 2000. Julia Gannon promised to speak to Plaintiff's supervisors and promised to put up posters concerning discrimination. Julia Gannon also stated that Plaintiff "could not expect Sysco to change."

26. No such posters concerning discrimination were thereafter posted in the warehouse area, and the derogatory comments directed at Plaintiff concerning his sexual orientation continued after July 5, 2001.

27. On or about May 2, 2002, during Plaintiff's vacation, Plaintiff again spoke to Julia Gannon and told Gannon that Plaintiff could not take any more. Plaintiff informed Gannon that he was passing out, throwing up, had uncontrollable shaking and could not sleep.

28. On this occasion, Plaintiff gave Julia Gannon a list of names of persons who had made the aforementioned derogatory comments or engaged in the aforementioned conduct, including persons identified in this Complaint, and requested that Gannon speak with the individuals involved.

29. Subsequently, Plaintiff's treatment at Hallsmith-Sysco worsened. On or about June 4, 2002, Plaintiff spoke with Plaintiff's supervisor, Jim Stone, who told Plaintiff that he knew Hallsmith-Sysco was full of bigots but "never thought it bothered anyone." Jim Stone also admitted he had heard jokes

about gays. Plaintiff informed Jim Stone that Plaintiff had spoken with Julia Gannon.

30. Jim Stone was present on June 13, 2002, when Plaintiff was derided and humiliated of as Plaintiff was leaving the building. On other occasions, supervisors were present or within clear earshot when comments were made ridiculing gays.

31. Plaintiff did not return to Hallsmith-Sysco after June 13, 2002, following the incidents related herein which occurred on that date.

32. Plaintiff was constructively discharged from Hallsmith-Sysco as of June 13, 2002.

33. On June 14, 2002, Plaintiff's primary care physician removed Plaintiff from Hallsmith-Sysco on the basis of a temporary disability related to Plaintiff's knees. Although problems with Plaintiff's knees in fact created a temporary disability, Plaintiff was also unable to return to work on account of the continuous stress and symptoms caused by the hostile environment at Hallsmith-Sysco. Thereafter, Plaintiff was temporarily, totally disabled from returning to work on account of post-traumatic stress disorder.

34. Throughout Plaintiff's employment at Hallsmith-Sysco, Plaintiff experienced increasingly worsening symptoms, which Plaintiff had not previously experienced, including blacking out, throwing up, sleeplessness, uncontrollable shaking, racing

thoughts, severe headaches, severe anxiety and panic, and depression. On many occasions at Hallsmith-Sysco, Plaintiff felt humiliated, ostracized, belittled, embarrassed and intimidated on account of comments and conduct directed at Plaintiff because Plaintiff is gay or was because Plaintiff was perceive to be gay.

35. Plaintiff continued to experience many of these symptoms subsequent to his last day of work at Hallsmith-Sysco.

36. The continuous derogatory comments and conduct referred to in this Complaint unreasonably interfered with Plaintiff's work performance at Hallsmith-Sysco.

37. Hallsmith-Sysco knew or should have known of the aforementioned hostile environment, discrimination on account of sexual orientation, and sexual harassment, and did not take adequate measures to prevent these unlawful practices or ameliorate the effect of these practices on Plaintiff.

COUNTS

COUNT I

(G.L. c. 151B, Sec.4/Hostile Environment/Sexual Harassment)

38. Plaintiff repeats and realleges paragraphs 1 through 37 as if more fully stated herein.

39. The defendant was plaintiff's employer.

40. Plaintiff's co-workers and supervisors in the employ of the defendant treated plaintiff differently from similarly

situated, heterosexual co-workers.

41. Plaintiff's co-workers and supervisors in the employ of the defendant subjected Plaintiff to a hostile environment by making derogatory comments and engaging in conduct designed to humiliate Plaintiff on in the workplace on account of plaintiff's actual or perceived sexual orientation. Said comments and conduct were pervasive and continuous and were perceived by Plaintiff as hostile.

42. Plaintiff's supervisors and co-workers in the employ of the defendant made derogatory comments of a sexual nature to plaintiff, which comments had the purpose or effect of unreasonably interfering with plaintiff's work environment by creating an intimidating, hostile, humiliating or sexually offensive work environment, and additionally constituted sexual harassment under G.L. c. 151B, §1(18) and G.L. c. 151B, §4, ¶16A.

43. The defendant knew or should have known that Plaintiff was subject to differential treatment, a hostile environment, and sexual harassment, all as aforementioned, and took no action, or ineffective action to prevent the plaintiff's continued exposure to said treatment, hostile environment or sexual harassment, and thereby allowed or permitted the plaintiff to be exposed to said differential treatment, hostile work environment and sexual harassment in the workplace in violation of G.L. c. 151B, §4.

44. The plaintiff's exposure to differential treatment,

hostile work environment and sexual harassment continued after the defendant knew or should have known of the differential treatment, hostile work environment and sexual harassment.

45. Defendant constructively terminated plaintiff on the basis of his sexual orientation, in violation of G.L. c. 151B, §4(1) and (1B).

46. The defendant committed the practices complained of with knowledge or reason to know that said practices violated G.L. c. 151B, §4.

47. As a result of the aforementioned conduct of defendant, plaintiff suffered and continues to suffer harm, including lost wages and benefits, medical expenses, humiliation, mental anguish and embarrassment, emotional distress.

48. As a result of the aforementioned conduct of defendant, plaintiff suffered constructive termination from employment, and subsequent loss of wages.

COUNT II

(Reckless/Intentional Infliction of Emotional Distress)

49. Plaintiff repeats and realleges paragraphs 1 through 48 as if more fully stated herein.

50. The defendant intentionally or recklessly terminated plaintiff based upon his actual or perceived sexual orientation.

51. The defendant recklessly or intentionally inflicted emotional distress on the defendant or knew or should have known

that emotional distress was likely to result from its conduct.

52. The defendant's conduct was extreme and outrageous, was beyond all possible bounds of decency and was utterly intolerable in a civilized community.

53. The defendant's conduct caused plaintiff severe emotional distress, mental anguish, humiliation and embarrassment of a nature that no reasonable person could be expected to endure.

PRAVERS

WHEREFORE, plaintiff prays this Court:

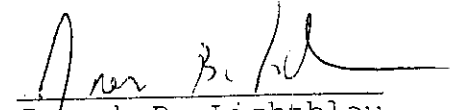
- A. Enter judgment for the plaintiff against the defendant;
- B. Award the plaintiff compensatory money damages against the defendant in an amount to be determined by this Court, including back pay, front pay, damages in lieu of benefits and other damages;
- C. Award the plaintiff punitive damages against the defendant for discrimination in all forms pursuant to G.L. c. 151B, Sec. 9;
- D. Award the plaintiff attorney's fees, costs and expenses of suit, as against the defendant, pursuant to G.L. c. 151B, Sec. 9;
- E. Enter such other relief as this Court determines is equitable and proper.

JURY DEMAND

PLAINTIFF DEMANDS A TRIAL BY JURY OF ALL CLAIMS SO TRIABLE

MICHAEL G. CAMPBELL,

By his attorney,

A handwritten signature in dark ink, appearing to read "Joseph B. Lichtblau", written over a horizontal line.

Joseph B. Lichtblau
BFO # 555020
92 State Street
Boston, MA 02109
(617) 722-9955

CIVIL COVER SHEET

JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

Michael G. Campbell

DEFENDANTS

Hallsmith-Sysco Food Services, Inc.

2005 MAR 1 2

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Kent, RI
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Bristol, MA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME ADDRESS AND TELEPHONE NUMBER)

Joseph B. Lichtblau, Esq.
Law Offices of Joseph B. Lichtblau
92 State Street
Boston, MA 02109 Tel. 617-722-9955

ATTORNEYS (IF KNOWN)
Michael D. Badger, Esq.
Richard Van Nostrand, Esq.
Mirick O'Connell Tel. 508-791-8500
100 Front Street, Worcester, MA 01608

BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State ☐ 1 ☐ 1 PTF DEF
Citizen of Another State ☒ 2 ☐ 2 PTF DEF
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 PTF DEF
Incorporated or Principal Place of Business in This State ☐ 4 ☒ 4 PTF DEF
Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 PTF DEF
Foreign Nation ☐ 6 ☐ 6 PTF DEF

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders Suits 190 Other Contract 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 882 Economic Stabilization Act <input type="checkbox"/> 883 Environmental Matters <input type="checkbox"/> 884 Energy Allocation Act <input type="checkbox"/> 885 Freedom of Information Act <input type="checkbox"/> 890 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 895 Constitutionality of State Statutes <input type="checkbox"/> 899 Other Statutory Actions
REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 841 HIA (1395ff) <input type="checkbox"/> 842 Black Lung (923) <input type="checkbox"/> 843 DIWC/DIWW (405(g)) <input type="checkbox"/> 844 SSID Title XVI <input type="checkbox"/> 845 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

I. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. Section 1332. Removal of Massachusetts state anti-discrimination and infliction of emotional distress claims.

II. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

III. RELATED CASE(S) (See instructions):

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

IV. OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Campbell v. Hallsmith-Sysco Food Services, Inc.
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LIST ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1))
- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT
- X II. 195, 368, 400, 440, 441-444, 540, 550, 625, 710, 720, 730,
740, 790, 791, 820, 830, 840, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,
380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660,
690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E))
None
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? No
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? No
- IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? (SEE 28 USC 2403)
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? No
7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY)? (SEE LOCAL RULE 40.1(C)) YES OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? (SEE LOCAL RULE 40.1(D)) YES
8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES
- (a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE?
9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? Eastern
10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION OR WESTERN SECTION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Michael D. Badger, Esq. Richard Van Nostrand, Esq.

ADDRESS Mirick O'Connell, 100 Front Street, Worcester, MA 01608

TELEPHONE NO. 508-791-8500